

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

CEDRIC F. DUPREE,

Plaintiff,

v.

Case No. 08 C 50010

MAHONE et al.

Defendants.

**MOTION FOR RELIEF AS APPOINTED COUNSEL
AND APPOINTMENT OF NEW COUNSEL**

COMES NOW Petitioner and moves this Honorable Court for Relief as Appointed Counsel and to Appoint New Counsel and/or other relief as appropriate and in support of this Motion, petitioner states:

1. That the undersigned Attorney has sent three drafts of Amended Complaints to the Plaintiff, Cedric Dupree, with letters dated March 17, 2008, March 26, 2008, and March 31, 2008.

2. The undersigned Attorney has on three occasions received letters dated March 21, 2008, April 2, 2008, and April 11, 2008 from Mr. Dupree indicating that he received empty envelopes and has voiced concerns regarding the prison tampering with his mail and removing the contents.

3. Accordingly, the undersigned Attorney has communicated with Internal Affairs at Pontiac Correctional Center with the attached letters dated April 9, 2008, April 17, 2008, and February 25, 2008.

4. Further, on April 22, 2008, the undersigned Attorney had a discussion with William Troyer of Internal Affairs alleging that they have indeed confirmed that Mr. Dupree received all of the contents of our three letters dated March 17, 2008, March 26, 2008, and March 31, 2008 and that they have documentation proving the same. Mr. Troyer indicated that if we wanted any formal written response or if we wanted to see the documentation confirming that Mr. Dupree received those documents we would need to go through their legal department in Springfield, Illinois.

5. Additionally, in correspondence from Mr. Dupree to the undersigned Attorney he has requested a reappointment of counsel due to a breakdown in communication with the undersigned Attorney.

6. In view of the foregoing, the undersigned Attorney moves to withdraw and for relief from appointment of counsel. Mr. Dupree moves this Court for appointment of new counsel and also additional time necessary for preparing and filing an Amended Complaint and service of the Amended Complaint.

WHEREFORE, Petitioner prays that this Honorable Court enter an Order Allowing Relief as Appointed Counsel; Appoint New Counsel for Plaintiff; Extension of Time to File an Amended Complaint, service of the Amended Complaint and any other relief that may be just.

Respectfully submitted,

s/Andrew J. Heinisch

Andrew J. Heinisch, Petitioner
Reinhart Boerner Van Deuren P.C.
2215 Perrygreen Way
Rockford, Illinois 61107
815-633-5300

NOTICE OF FILING

TO: Cedric F. Dupree
N 63566
700 West Lincoln Street
P.O. Box 99
Pontiac, Illinois 61764

PLEASE TAKE NOTICE that I have this 22nd day of April, 2008, caused to be filed in the Office of the United States District Court, Northern District of Illinois, Western Division, via E-File the Motion for Relief as Appointed Counsel and Appointment of New Counsel in the above-entitled cause.

s/Andrew J. Heinisch
Andrew J. Heinisch, Petitioner
Reinhart Boerner Van Deuren P.C.
2215 Perrygreen Way
Rockford, Illinois 61107
815-633-5300